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UNFAIR COMPETITION

July 7, 2000

Our Docket No. 980457.ORI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : Rodney W. Salo et al.
S.N. : 09/545,536 : Art Unit
Filed : April 7, 2000
For : CARDIAC RHYTHM MANAGEMENT
SYSTEM WITH OPTIMIZATION OF
CARDIAC PERFORMANCE USING HEART RATE

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Transmitted herewith is a Preliminary Amendment requested to be entered prior to the examination of the above-identified patent application.

Also enclosed please find a check in the amount of \$234.00 for the cost of filing three additional independent claims.

The Commissioner is hereby authorized to charge any fees listed in 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 08-1265. A duplicate copy of this sheet is enclosed.

Yours very truly,

NIKOLAI, MERSEREAU & DIETZ, P.A.

C. G. Mersereau

CGM/bld
Enclosures

CERTIFICATE OF MAILING

I hereby certify that the foregoing Preliminary Amendment in application Serial No. 09/545,536, filed on April 7, 2000, of Rodney W. Salo et al., entitled "CARDIAC RHYTHM MANAGEMENT SYSTEM WITH OPTIMIZATION OF CARDIAC PERFORMANCE USING HEART RATE" is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231, postage prepaid, on July 7, 2000.



A handwritten signature in cursive script, reading "Barbara L. Davis", written over a horizontal line.

Barbara L. Davis
Secretary to C. G. Mersereau

Date of Signature: July 7, 2000